UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 SEP -2 PM 12:05

UNITED STATES OF AMERICA, Plaintiff, v. **Jaime DE LA CRUZ-Muro,** Defendant	Magistrate Docket No. COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States '08 MJ 2697

The undersigned complainant, being duly sworn, states:

On or about **September 1, 2008** within the Southern District of California, defendant, **Jaime DE LA CRUZ-Muro,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd DAY OF **SEPTEMBER, 2008**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

9/1/08

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CONTINUATION OF COMPLAINT:
Jaime DE LA CRUZ-Muro

PROBABLE CAUSE STATEMENT

On September 1, 2008, Border Patrol Agent R. Orum was performing his assigned duties in the Imperial Beach area of operations. At approximately 3:40 A.M., Agent Orum was notified via agency radio of a seismic sensor activation in an area commonly known as "Spring Canyon." This area is located approximately two and a half miles east of the San Ysidro, California Port of Entry and approximately 350 yards north of the United States/Mexico International Boundary.

Upon arriving in the area, Agent Orum observed fresh foot sign for two individuals and began following the footprints north. After following the foot sign for approximately 20 yards, Agent Orum encountered two individuals, including one later identified as the defendant, **Jaime DE LA CRUZ-Muro**, attempting to conceal themselves in some thick brush. Agent Orum approached the two individuals, identified himself as a Border Patrol Agent, and questioned the two individuals as to their citizenship, nationality, and immigration status. Both individuals, including **DE LA CRUZ**, admitted to having entered the United States without inspection, and that they are citizens and nationals of Mexico. They also stated that they were not in possession of immigration documents that would allow them to enter or remain in the United States legally. At approximately 3:45 A.M., Agent Orum arrested both individuals, including **DE LA CRUZ**, and they were transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 11, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

DE LA CRUZ was given his Miranda rights and he stated that he understood said rights and was willing to answer questions without the presence of his attorney. **DE LA CRUZ** stated that he is a citizen and national of Mexico without proper immigration documentation to enter or remain in the United States.